REMARKS

Applicant has cancelled Claims 9, 10 and 12 without prejudice or disclaimer and herein reserves the right to file continuation/divisional applications directed to such subject matter. Applicant submits no new matter has been added by the present amendment.

Rejection under 35 U.S.C. §103(a)

Claims 1-8 and 11 were again rejected under 35 U.S.C. § 103(a) as being unpatentable over Hert, et al. (U.S. Patent No. 5,985,392) in view of Fujii, et al. (EP 0 933 381). Applicant respectfully traverses this ground of rejection and herein resubmit their arguments filed on August 18, 2003.

As previously argued Applicant resubmits there is no motivation to combine Hert, et al. and Fujii, et al. and arrive at the instant invention. Further, Applicant submits even if one skilled in the art followed the reasoning submitted in the Final Office Action, which Applicant submits is flawed; one skilled in the art would not arrive at the present invention.

The present invention is directed to a rubber mixture comprising one or more carboxylated nitrile rubbers, **one or more metal salts of an acrylate**, **one or more liquid acrylates optionally applied onto a support**, from 0.01 to 8 phr of one or more silanes, and, optionally further additives and/or fillers.

Hert, et al. discloses blends of thermoplastic and rubbers which are adherent to thermoplastics. Example 4 of Hert, et al. discloses a rubber composition including carboxylated butadiene nitrile rubber, silica, silane, **zinc oxide**, and a **wax (which includes, amongst other ingredients PEG, stearic acid, and zinc acrylate)**. Fujii, et al. discloses a rubber mixture comprising a carboxylated nitrile group containing rubber having specified acid equivalents and crosslinking agents such as sulfur type and organic peroxide type crosslinking agents. See paragraphs 67-79. Fujii, et al. further discloses that with an organic type crosslinking agent it is preferred to use in combination a crosslinking aid such as a trimethylolpropane trimethyacrylate. See paragraph 74.

According to the Final Office Action, Fujii, et al. t aches the use of liquid acrylates when peroxides are used as crosslinking agents and Zn oxide is reserved for compositions cured with sulfur. Therefore, according to the Final Office Action, one skilled in the art would glean that Hert's teachings of peroxide with Zn oxide is not effective. This proposition of taking one teaching as effective and another teaching as in-effective in order to provide motivation and arrive at the instant invention is counterintuitive, despite the Examiner's contention. That aside, following this backward reasoning, according to the Office Action, one skilled in the art would have been motivated to substitute Hert's zinc oxide with a liquid acrylate to achieve effective crosslinking. Even following this flawed reasoning, Applicant submits one skilled in the art would not arrive at the instant invention because one skilled in the art would have a zinc oxide, liquid acrylate combination, not a rubber mixture comprising a) one or more carboxylated nitrile rubbers b) **one or more metal salts of an acrylate** c) one or more liquid acrylates optionally applied onto a support, d) from 0.01 to 8 phr of one or more silanes, and e) optionally further additives and/or fillers.

Accordingly, Applicant submits, based on the arguments submitted on August 18, 2003 and those submitted herein that the above referenced combination does not teach each and every element of the claimed invention and therefore requests withdrawal of this ground or rejection.

Respectfully submitted,

By_____
Jennifer R. Seng
Attorney for Applicant
Reg. No. 45,851

Bayer Polymers LLC
100 Bayer Road
Pittsburgh, Pennsylvania 15205
(412) 777-3879
FACSIMILE PHONE NUMBER
(412) 777-3902
lo/SENG/jrs173